

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Gabriel Vitali Matthias

Docket No. 5:16-CR-294-1FL

Petition for Action on Supervised Release

COMES NOW Henry Ponton, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Gabriel Vitali Matthias, who, upon an earlier plea of guilty to Travel with Intent to Engage in Illicit Sexual Conduct in violation of 18 U.S.C. § 2423(b), was sentenced by the Honorable Donovan W. Frank, U.S. District Judge in the District of Minnesota, on September 9, 2010, to the custody of the Bureau of Prisons for a term of 90 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 180 months. He was released from custody and the term of supervised release commenced on November 10, 2015.

On November 21, 2016, the Eastern District of North Carolina accepted jurisdiction of this case. On February 28, 2017, a revocation hearing was held before the Honorable Louise W. Flanagan, U.S. District Judge, and the defendant was found to be in violation of his supervised release. His term of supervised release was revoked and he was committed to the Bureau of Prisons for 8 months with a new 10-year term of supervised release to follow, which included the conditions previously imposed by the court. He was released from custody and the term of supervised release commenced on August 3, 2017.

On November 8, 2017, a revocation hearing was held before the Honorable Louise W. Flanagan, U.S. District Judge, and the defendant was found to be in violation of his supervised release. His term of supervised release was revoked and he was committed to the Bureau of Prisons for 6 months with a new 15-year term of supervised release to follow, which included the conditions previously imposed by the court and additional special conditions related to laws within the State of North Carolina for sex offender restrictions and registration requirements. Gabriel Vitali Matthias was released from custody on April 20, 2018, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On January 10, 2019, the defendant reported to the probation office for his scheduled polygraph examination. Prior to beginning the examination, the defendant admitted to multiple violations of his supervised release. He admitted to ordering adult and inappropriate videos from Edward R. Hamilton Booksellers on numerous occasions since his release. The videos were ordered from a catalog service, and copies of all invoices were obtained from the company. The company verified that all orders were placed through their catalog service, and that the defendant did not access their website or create an account. A search was conducted at the defendant's residence on January 10, 2019. One of the videos, Once Upon a Girl, was found during the search. The other movies were disposed of by the defendant after he viewed them. The DVD was seized and placed into evidence.

The defendant was instructed to immediately contact his therapist and disclose the above listed noncompliance. The defendant was also advised that if he is found to be in possession of any additional contraband, specifically pornography, that a warrant will be requested from Your Honor for his arrest. To address his noncompliance, the defendant was advised that our office would be recommending he be placed on a curfew with electronic monitoring for a period of 90 days. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 90 consecutive days. The defendant is restricted to their residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer. The defendant must pay all of the cost of the program.
2. The pornography seized from the defendant on January 10, 2019, shall be destroyed by the United States Probation Office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

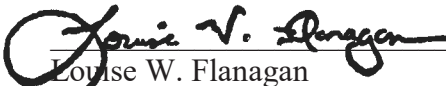
I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Eddie J. Smith
Eddie J. Smith
Supervising U.S. Probation Officer

/s/ Henry Ponton
Henry Ponton
U.S. Probation Officer
150 Rowan Street Suite 110
Fayetteville, NC 28301
Phone: 910-354-2536
Executed On: January 17, 2019

ORDER OF THE COURT

Considered and ordered this 18th day of January, 2019, and ordered filed and made a part of the records in the above case.



Louise W. Flanagan
U.S. District Judge